

REMARKS

Restriction

Election of Group I Without Traverse

In the Office Action mailed August 18, 2009, Applicant is required to elect between two groups of claims as defined by the Examiner (p. 2). Group I is defined by the Examiner as a "portable biological data collection system," and Group II is defined by the Examiner as various "biological sensor connectors." According to the Office Action, claims 1-39, 62, and 63 are drawn to Group I, and claims 40-61 are drawn to Group II. (p. 2) Group II was deemed a subcombination relative to the combination covered by Group I (p. 2).

In response to this restriction requirement, Applicant elects for examination without traverse claims 1-39 and 62-63, which are drawn to Group I.

Species Election within Group I

Election of Species 9 without Traverse

In the Office Action mailed August 18, 2009, in the event that Applicant elects Group I (claims 1-39, 62-63), Examiner further requires Applicant to elect among several species within Group I for examination on the merits (p. 3-7).

The Examiner identified nineteen species, one of which must be elected in the event that no generic claims are held allowable. (p. 7). According to the Office Action, species 1-3 are drawn to FIGS. 9-11 respectively, and species 5-20 are drawn to FIGS. 12-27 respectively (p. 4-7). Species 4 is not identified in the Office Action (p. 4). The Office Action indicates that FIGS. 1-8 and 28-29 are generic to all species in Group I (p. 4). Claims 1, 25, 31, and 62 are indicated to be generic to all identified species in Group I (p. 7).

In response to the species election requirement within Group I, Applicant elects species 9 (FIG. 16) for examination on the merits in the event no generic claim is held to be allowable. All claims in Group I (claims 1-39 and 62-63) are drawn to Species 9, and thus Applicant respectfully requests each of these claims be examined on the merits.

Request to Examine Certain Other Claims as Generic to All Identified Species

Examiner identifies claims 1, 25, 31, and 62 in Group I as generic to all identified species (O.A. p. 7). In addition to these claims, Applicant respectfully requests that claims 2-3, 13-15, 22, 24, 26-27, 29-30, 32-39, and 63 also be examined as generic to all identified species within Group I.

Conclusion

In response to the restriction requirement, Applicant elects Group I without traverse. In response to the election requirement within Group I, Applicant elects without traverse species 9 (FIG. 17), wherein all Group I claims (claims 1-39 and 62-63) are drawn to species 9. In addition to claims 1, 25, 31, and 62 identified by Examiner as generic, Applicant respectfully requests that claims 2-3, 13-15, 22, 24, 26-27, 29-30, 32-39, and 63 also be examined as generic to all species within Group I.

The Commissioner is hereby authorized to charge any additional fee required under 37 C.F.R. 1.16 and 1.17 and credit any overpayments to Deposit Account No. 11-0982.

Respectfully submitted,

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